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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 73 (RMB)

5 EVGENY BURYAKOV,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 June 1, 2015  
2:10 p.m.

10 Before:

11 HON. RICHARD M. BERMAN,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
Southern District of New York

17 ADAM FEE

ANNA SKOTKO

Assistant United States Attorney

18 WHITE & CASE

19 Attorney for Defendant

20 BY: SCOTT HERSHMAN

21 ALSO PRESENT: ANDREW TARUTZ, Russian interpreter

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1 (Case called)

2 THE COURT: So, the goal today is to, I think we will  
3 be able to conclude the Curcio proceeding in connection with  
4 Mr. Buryakov's legal representation. So, preliminarily I have  
5 two things I want to say, probably unnecessarily, but I will  
6 say them anyway.

7 The first is that whatever we say or discuss today and  
8 even the questions that I ask of Mr. Buryakov do not, in any  
9 way, diminish the presumption of innocence which attaches to  
10 every defendant in every criminal case. And, any questions I  
11 might ask, there is no inference that in any way diminishes or  
12 detracts from that presumption. Mr. Buryakov is presumed  
13 innocent unless and until such times a jury might determine  
14 otherwise.

15 The second point I would like to make at the outset is  
16 that relatedly, anything I say is not in any way intended to  
17 diminish the reputation of White & Case or Mr. Hershman. So, I  
18 want to make it clear in asking the questions that I do, do  
19 just that. In no way is that to suggest that there is any  
20 impropriety on behalf of White & Case or Mr. Mr. Hershman.  
21 These are questions that were raised and are being asked today,  
22 raised originally by the government as a result of the fact  
23 that the bank, at which Mr. Buryakov was employed, is paying  
24 the legal fees for Mr. Buryakov in this case.

25 So, does anybody have any thoughts or comments they

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1 might make about that? No.

2 So, we have, first off, as a result of the discussions  
3 we had at the last conference, a new engagement letter  
4 submitted by White & Case which I think is very helpful,  
5 particularly to the issues that we were discussing. This  
6 morning, I don't know if you had a chance to see it,  
7 Mr. Hershman, but I did, by memo endorsement, ask that just to  
8 close the a loop here, it would be helpful to me if the  
9 engagement letter could be signed by someone at the bank  
10 because this letter does refer to the separate VEB agreement  
11 and your letter, that is to say the White & Case letter dated  
12 May 21st, 2015, says that, in effect, notwithstanding what is  
13 contained in the VEB agreement, this is the retainer  
14 relationship between White & Case and Mr. Buryakov.

15 Do you think you would be able to accomplish that?

16 MR. HERSHMAN: Yes. I didn't see your Honor's memo  
17 endorsement.

18 THE COURT: I'm sorry. Do you have it?

19 MR. HERSHMAN: Yes. We should be able to accomplish  
20 that.

21 THE COURT: I didn't think it would be substantive.

22 MR. HERSHMAN: Yes.

23 THE COURT: So, I will assume that that is in the  
24 works.

25 MR. HERSHMAN: Yes, your Honor.

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1           THE COURT: Also, as has happened in the past, we have  
2 had a Russian interpreter in court, we have one here today. In  
3 the prior proceedings I think Mr. Buryakov has had the  
4 interpreter on a standby basis in the event that something  
5 comes up he doesn't understand.

6           Is that the way you wish to proceed today as well?

7           THE DEFENDANT: (In English) Yes, your Honor.

8           THE COURT: So you understand what I am saying.

9           THE DEFENDANT: (In English) Yes, your Honor.

10          THE COURT: If you don't, when we get to any  
11 particular point and you want to use the interpreter, you feel  
12 free do that.

13          THE DEFENDANT: (In English) Thank you.

14          THE COURT: One other thing, Mr. Hershman.

15          The last time, rather, with respect to the prior  
16 engagement letter, you had requested that it not be put on the  
17 docket but we did, I think, because the -- well, I did because,  
18 in part, the issues were discussed fully in public anyway. And  
19 I know you have made the same request with regard to this  
20 engagement letter but unless there is something in here that  
21 really dramatically concerns you, I would prefer to do the same  
22 with this letter so that the public can see the difference  
23 between this letter and the prior letter and that you in fact  
24 have made the alterations that I think are helpful to  
25 progressing this case forward.

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1 MR. HERSHMAN: I have no objection.

2 THE COURT: Okay. So, we will do that as well.

3 So, following the subsequent, the new engagement  
4 letter, the government has nevertheless submitted some revised  
5 questions, I guess, and for the most part those, I do intend to  
6 ask those questions. It should be noted that Mr. Hershman  
7 feels like I think that everything was satisfied as a result of  
8 the engagement letter, the concerns of the Court, and I think  
9 it is prudent to ask many of these questions in any event to  
10 conduct a Curcio because of the potential for a conflict of  
11 interest.

12 It was my understanding from the last conference,  
13 Mr. Hershman, that White & Case does in fact or has in fact in  
14 the past represented the same bank in other matters, unrelated  
15 matters; is that correct?

16 MR. HERSHMAN: Unrelated matter, Judge.

17 THE COURT: Does it continue to do that?

18 MR. HERSHMAN: That is unclear that there is any  
19 active matter.

20 THE COURT: I see.

21 So, did anybody want to characterize their position as  
22 I say, the government or the defense, differently than I have?

23 MR. FEE: No, your Honor. Thank you.

24 MR. HERSHMAN: No. My letter -- I have said in my  
25 letter that we leave to the discretion of the Court the

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1 questions that the court may want to pose to Mr. Buryakov.

2 THE COURT: So, I do have a series -- I would ask the  
3 Court deputy to swear in Mr. Buryakov before we proceed.

4 THE DEPUTY CLERK: Sir, if you could please stand for  
5 a moment and raise your right hand?

6 (Defendant sworn)

7 THE COURT: Mr. Buryakov, would you start by stating  
8 your full name for the record?

9 THE DEFENDANT: (In English) My name is Evgeny  
10 Burakov.

11 THE COURT: And you are -- how old are you?

12 THE DEFENDANT: (In English) I'm 40 years old.

13 THE COURT: And you are a citizen of what country?

14 THE DEFENDANT: (In English) I am citizen of the  
15 Russian Federation.

16 THE COURT: How far did you go in school and where was  
17 that?

18 THE DEFENDANT: (In English) I hold about two  
19 university diploma, so I spent about 20 years in education.

20 THE COURT: How many?

21 THE DEFENDANT: (In English) 20 years.

22 THE COURT: 20?

23 THE DEFENDANT: (In English) Yes, and it was in  
24 Russia.

25 THE COURT: This is a question we ask in all of these

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1 matters, it doesn't mean to imply that there is any issue but  
2 the question is: Are you now or have you recently been under  
3 the care of a medical doctor?

4 THE DEFENDANT: (In English) No. No, I'm not.

5 THE COURT: For a mental health, physician?

6 THE DEFENDANT: (In English) No, I'm not.

7 THE COURT: How is your health today?

8 THE DEFENDANT: (In English) My health is good.

9 THE COURT: And your mental health?

10 THE DEFENDANT: (In English) Yes. Everything is  
11 fine.

12 THE COURT: Have you ever been addicted to drugs or to  
13 alcohol?

14 THE DEFENDANT: (In English) No, never.

15 THE COURT: Have you ever been hospitalized or treated  
16 for any addiction?

17 THE DEFENDANT: (In English) No, never.

18 THE COURT: Have you taken any drugs or medicine or  
19 pills, or drunk any alcoholic beverages in the past 24 hours?

20 THE DEFENDANT: (In English) No, I haven't.

21 THE COURT: Is there anything that might affect your  
22 answers to my questions?

23 THE DEFENDANT: (In English) No.

24 THE COURT: How are you feeling today physically?

25 THE DEFENDANT: (In English) I am good.

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1 THE COURT: And mentally?

2 THE DEFENDANT: (In English) Good. Thank you.

3 THE COURT: Okay.

4 So, it has been represented that you are employed by  
5 the Vnesheconombank -- VEB -- Bank; is that correct?

6 THE DEFENDANT: (In English) Yes.

7 THE COURT: And how long have you been employed by  
8 them?

9 THE DEFENDANT: (In English) I have been employed  
10 with Vnesheconombank since 2002.

11 THE COURT: And what position do you hold?

12 THE DEFENDANT: (In English) It is different  
13 positions; expert of first category, then deputy representative  
14 in the Republic of South Africa, representative -- head  
15 representative in the Republic of South Africa, then deputy  
16 head of the division and head of Moscow and here in New York,  
17 in New York Deputy Representative of VEB.

18 THE COURT: Are you aware of the criminal charges that  
19 have been presented against you in this Court.

20 THE DEFENDANT: (In English) Yes, I am.

21 THE COURT: Have you discussed the indictment in this  
22 case with counsel?

23 THE DEFENDANT: (In English) Yes, your Honor.

24 THE COURT: Who is your counsel?

25 THE DEFENDANT: (In English) My counsel now is



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1 Mr. Hershman.

2 THE COURT: And you have discussed the charges in the  
3 indictment with him?

4 THE DEFENDANT: (In English) Yes. Yes, I did.

5 THE COURT: And, do you feel you have an understanding  
6 of the indictment in the charges against you?

7 THE DEFENDANT: (In English) Yes. Yes, I do.

8 THE COURT: Do you realize that the basic, I would  
9 say, accusation in the indictment, is that you have acted in  
10 the United States as an unregistered foreign agent of the  
11 Russian Federation?

12 THE DEFENDANT: (In English) Yes, I realize that.

13 THE COURT: You do understand that.

14 Do you realize that VE Bank is, as we have said before  
15 or has been, also a client of the law firm at which  
16 Mr. Hershman is partner, White & Case?

17 THE DEFENDANT: (In English) Yes, I do.

18 THE COURT: Do you understand what is happening here  
19 in court today with this, what we are calling a Curcio  
20 proceeding, Curcio being the name of a famous case in American  
21 law from which this kind of proceeding derives?

22 THE DEFENDANT: (In English) Yes. Yes, your Honor.

23 THE COURT: Here is a question for the lawyers: Do  
24 either of you have any doubts or concerns as to Mr. Buryakov's  
25 competence to participate in this Curcio hearing?

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1 MR. FEE: None, based on that colloquy. Thank you,  
2 your Honor.

3 MR. HERSHMAN: No, your Honor.

4 THE COURT: Either do I.

5 Based on the record today including Mr. Buryakov's own  
6 testimony, I find that he is competent to proceed with this  
7 Curcio hearing.

8 THE COURT: So, Mr. Buryakov, you are currently  
9 represented by Mr. Scott Hershman and other lawyers at the law  
10 firm of White & Case; is that correct?

11 THE DEFENDANT: (In English) Yes. That's correct.

12 THE COURT: How long, approximately, have White & Case  
13 represented you personally?

14 THE DEFENDANT: (In English) Since April 30th, 2015.

15 THE COURT: And before that you were represented by, I  
16 believe, of Mr. Naftalis of Latham & Watkins form; is that  
17 correct?

18 THE DEFENDANT: (In English) That's correct.

19 THE COURT: Are you satisfied with Mr. Hershman and  
20 White & case's legal representation of you up until now?

21 THE DEFENDANT: (In English) Yes. Completely.

22 THE COURT: Is it your wish to continue to be  
23 represented by Mr. Hershman and White & case?

24 THE DEFENDANT: (In English) Yes, it is.

25 THE COURT: And have you personally paid Mr. Hershman

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1 or White & Case, or promised to pay them or the firm any money  
2 of your own for their services in this case?

3 THE DEFENDANT: (In English) No, I haven't.

4 THE COURT: And are you aware who is paying White &  
5 Case on your behalf?

6 THE DEFENDANT: (In English) Yes, I am.

7 THE COURT: Is it VE Bank, your employer?

8 THE DEFENDANT: (In English) Yes. That's correct.

9 THE COURT: And you understand that White & Case has  
10 entered into a separate agreement with VE Bank?

11 THE DEFENDANT: (In English) Yes, I do.

12 THE COURT: Have you had a chance to review that  
13 agreement?

14 THE DEFENDANT: (In English) Yes, I have.

15 THE COURT: And so, you are familiar with its terms  
16 and its conditions?

17 THE DEFENDANT: (In English) Yes.

18 THE COURT: And are those satisfactory to you?

19 THE DEFENDANT: (In English) Yes, your Honor.

20 THE COURT: And are you aware that VE Bank is a  
21 Russian Federation state-owned entity?

22 THE DEFENDANT: (In English) Yes.

23 THE COURT: Do you understand further that in every  
24 criminal case, of which this is one you, as the defendant, are  
25 entitled to be represented by an attorney or attorneys whose

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1 loyalty to you is undivided and who are not subject to any  
2 consideration that might, in any way, intrude upon the  
3 attorney's loyalty to you?

4 THE DEFENDANT: (In English) Yes, I do, your Honor.

5 THE COURT: And some of these questions may be  
6 repetitive but I'm going to ask them anyway; is it your choice  
7 to be represented by Mr. Hershman and White & Case? Is that  
8 your decision?

9 THE DEFENDANT: (In English) Yes, it is.

10 THE COURT: Have you made that decision freely and  
11 voluntarily?

12 THE DEFENDANT: (In English) Yes. Yes, your Honor.

13 THE COURT: And without any promises, threats, or  
14 inducements being made or offered to you with regard to the  
15 choice of counsel?

16 THE DEFENDANT: (In English) Yes, your Honor.

17 THE COURT: Do you understand that whenever, in every  
18 situation where someone other than the defendant in this case,  
19 in this case it would be you, is paying the lawyer who is  
20 representing that defendant, it is possible that whoever is  
21 paying may have interests that are different from the  
22 defendant's own interest.

23 Do you realize that?

24 THE DEFENDANT: (In English) Yes, I do understand  
25 that.

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1           THE COURT: And you understand that in such a  
2 situation the lawyer's judgment may be -- may be -- influenced  
3 by the wishes of whoever is paying the legal bill?

4           THE DEFENDANT: (In English) Yes, I do.

5           THE COURT: And what the lawyer thinks are the wishes  
6 of whoever is paying the legal bill may dominate rather than  
7 the wishes of the defendant?

8           Do you understand that is a possibility?

9           THE DEFENDANT: (In English) Yes. I understand that  
10 there is such a possibility.

11          THE COURT: So, it is possible in this case -- I'm not  
12 saying that it is actual but it is certainly a potential that  
13 Mr. Hershman and others working with him at White & Case may be  
14 influenced in the advice that they give you and in the way that  
15 they defend you by what they are told are the wishes of, or  
16 what they think may be the wishes of the VE Bank or the Russian  
17 Federation for that matter?

18          THE DEFENDANT: (In English) Yes, I understand that  
19 theoretically it may be possible but, in reality, I see that  
20 Mr. Hershman defends only my interests and he acts only under  
21 my control.

22          THE COURT: Thank you.

23          Do you understand that this potential or theoretical  
24 situation, having your lawyer paid by someone other than you,  
25 creates a risk that your lawyer may not be acting solely in

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1 your interests?

2 THE DEFENDANT: (In English) Yes, I do.

3 THE COURT: And, do you understand that if you  
4 continue with the current arrangement, that is to say with  
5 Mr. Hershman and White & Case acting as your counsel, your  
6 defense will be paid for by an entity -- the VE Bank -- that is  
7 wholly owned by the Russian Federation?

8 THE DEFENDANT: (In English) Yes. Yes, your Honor.

9 THE COURT: And that this situation, having your  
10 defense paid by an entity wholly-owned by another government or  
11 the government in this case of which you are accused of acting  
12 as an unregistered foreign agent, creates a potential risk that  
13 your lawyers may have a financial incentive to act in the  
14 interests of the Russian Federation and/or the bank rather than  
15 solely in your best interests?

16 THE DEFENDANT: (In English) Yes. I understand that.

17 THE COURT: Have you spoken with any other lawyers  
18 other than Mr. Hershman about this situation, that is to say  
19 about the risks of being defended by white and case in this  
20 case and Mr. Hershman?

21 THE DEFENDANT: (In English) No, I haven't, your  
22 Honor.

23 THE COURT: And, do you understand that you have the  
24 right to do that, that is to say you would have the right to  
25 consult with a lawyer other than Mr. Hershman and other than

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1 other lawyers at White & Case to determine whether you feel it  
2 is in your best interest to continue with Mr. Hershman and with  
3 White & Case as your counsel?

4 THE DEFENDANT: (In English) Yes, I do.

5 THE COURT: And you understand that if you wished, I  
6 would supply, certainly give you the opportunity and if you  
7 could not afford other counsel, I would even appoint counsel to  
8 consult with you about this very situation, that is to say the  
9 possibility of a conflict of interest by virtue of the fact  
10 that someone other than yourself is paying the legal bills in  
11 this case?

12 THE DEFENDANT: (In English) Yes, I do, your Honor.

13 THE COURT: And, in fact, also, do you understand that  
14 the Court -- that is to say me -- in fact encourages you to  
15 consult with another lawyer about this potential conflict of  
16 interest?

17 THE DEFENDANT: (In English) Yes. Yes, I do.

18 THE COURT: Notwithstanding all of that, is it your  
19 wish to have such a consultation with another lawyer about  
20 potential conflict of interest?

21 THE DEFENDANT: (In English) Yes, I would like to do  
22 that.

23 THE COURT: You would like to?

24 THE DEFENDANT: (In English) Yes.

25 THE COURT: All right.

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1           We have CJA counsel Sean Maher here today. He was  
2 here at the last conference as well.

3           Mr. Maher, you heard what was discussed at the last  
4 conference and what is being discussed today; do you think you  
5 understand the issues involved in this potential conflict of  
6 interest by virtue of the fact that Mr. Buryakov's legal bills  
7 are being paid by a third-party?

8           MR. MAHER: I think I have an understanding of the  
9 issues.

10          THE COURT: And would you be able and willing to  
11 discuss with him the potential problems or conflicts that could  
12 arise as a result of that?

13          MR. MAHER: Yes.

14          THE COURT: Then, if it is all right with you, I will  
15 take a pause here at this point in time and ask Mr. Maher to  
16 consult with Mr. Buryakov. You can take as long as you want,  
17 as long as you need, and you will just let us know when you  
18 have concluded that.

19          Is that fair? Is that all right with you,  
20 Mr. Hershman?

21          MR. HERSHMAN: Yes, that's fine.

22          THE COURT: And Mr. Maher?

23          MR. MAHER: Sounds good. Thank you.

24          THE COURT: Mr. Buryakov, is that all right with you?

25          THE DEFENDANT: (In English) Yes. Thank you.



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1 THE COURT: So, we will take a break at this point and  
2 have that consultation. We will ask the marshals to help us  
3 out.

4 Thank you, everyone. So, we will adjourn until we  
5 hear from counsel.

6 Thanks a lot.

7 (recess)

8 THE COURT: Please, be seated.

9 So, Mr. Buryakov, have you had adequate chance to  
10 discuss with CJA counsel Mr. Maher the issues that I have  
11 raised earlier today and in the previous court proceeding?

12 THE DEFENDANT: (In English) Yes, I have, your Honor.  
13 Thank you very much for this opportunity.

14 THE COURT: You are very welcome.

15 Did you have a chance to ask him whatever you needed  
16 to ask him? And I am going to even ask Mr. Maher a question.

17 THE DEFENDANT: (In English) Yes. I asked everything  
18 I wanted to ask and I received answers for each of my  
19 questions.

20 THE COURT: And, Mr. Maher, is it your opinion that  
21 Mr. Buryakov understands the issues that we are talking about  
22 today?

23 MR. MAHER: Yes.

24 THE COURT: Thank you.

25 So, let me just take a minute to ask you,

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1 Mr. Buryakov, in connection with what we have been discussing  
2 these potential conflict of interest issues, to describe to me,  
3 in your own words, how you understand or what you understand  
4 the potential conflict or conflicts of interest that could  
5 arise in this case?

6 THE DEFENDANT: (In English) Your Honor, my  
7 understanding of this situation is the following.

8 As far as I do not pay the legal fee in this case for  
9 my attorney and these legal fees are to be paid by my employer,  
10 by the third-party, theoretically it may be possible that the  
11 activity of my attorney in this case may be influenced by this  
12 third-party or my employer. So, it may create a conflict of  
13 interest between me and my attorney. But, at the same time, I  
14 would like to underline that there is no conflict of interest  
15 and Mr. Hershman, as I can see, he acts only in my interest and  
16 defends only my interests and acts only under my control.

17 THE COURT: Thank you. I have just a few more  
18 questions to ask you.

19 You do understand that you have the right to object to  
20 Mr. Hershman and White & Case's continued representation of you  
21 based on these potential conflicts?

22 THE DEFENDANT: (In English) Yes, I do understand,  
23 your Honor.

24 THE COURT: And it is also important that you  
25 understand that no one, including the Court, can predict with

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1 any certainty, the course that this case will take or may take  
2 and no one, including myself, can foresee all the ways in which  
3 you could be disadvantaged by being represented by Mr. Hershman  
4 and White & Case? For example, it is possible that some set of  
5 facts might arise where your interests in this case may run  
6 directly counter to the interests of the bank and the Russian  
7 Federation.

8 You understand that?

9 THE DEFENDANT: (In English) Yes, I do understand,  
10 totally.

11 THE COURT: And do you understand that, in my opinion,  
12 incidentally, I perhaps didn't make this clear, but based on my  
13 experience as a Judge, in my opinion it is not advisable to  
14 proceed with an attorney who has a potential conflict of  
15 interest.

16 Do you understand that?

17 THE DEFENDANT: (In English) Yes, I do understand  
18 that.

19 THE COURT: And do you understand that if you do  
20 proceed with Mr. Hershman and with White & Case and in the  
21 event that you are -- this is hypothetical for the moment -- in  
22 the event that you were to be convicted, you would not be able  
23 to make an argument or to appeal on the grounds that there was  
24 this potential conflict of interest of Mr. Hershman and the  
25 White White & case firm?

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1 THE DEFENDANT: (In English) Yes, I do, your Honor.

2 THE COURT: And that would stem from the fact that VE  
3 Bank is paying the legal bills.

4 THE DEFENDANT: (In English) Yes.

5 THE COURT: Do you agree that you give up or waive the  
6 right to make such an argument if it were ever to come into  
7 play down the road?

8 THE DEFENDANT: (In English) Yes, I do.

9 THE COURT: Is there anything that I may have said  
10 that you wish to have further explanation of?

11 THE DEFENDANT: (In English) No. Thank you.

12 THE COURT: All right. So, here is the key question.  
13 Now that you have heard my questions and given the answers that  
14 you have given and you have participated in these court  
15 proceedings today and the previous hearing that we had, and now  
16 having had the opportunity to consult with CJA counsel  
17 Mr. Maher, do you wish to continue with Mr. Hershman and the  
18 White & Case firm as your attorneys?

19 THE DEFENDANT: (In English) Yes, I do, your Honor.

20 THE COURT: Are there any other questions that anybody  
21 can think of that they would like to have me ask?

22 MR. HERSHMAN: No, your Honor.

23 MR. FEE: No. Thank you.

24 THE COURT: I think then that thanks, Mr. Buryakov,  
25 that concludes our work for today. I will look for that

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1 endorsement when you get a chance -- as soon as you get a  
2 chance actually, Mr. Hershman.

3 What do you all think about a next court date? Have  
4 you had a chance to talk? We might go off the record if you  
5 want to talk with Mr. Hershman and see if you can come up with  
6 a mutually agreeable date.

7 MR. FEE: Of course, your Honor.

8 (counsel conferring)

9 MR. FEE: Hi, your Honor.

10 We conferred and Mr. Hershman's wish was June 11th as  
11 the date for him to return and report on any motions and set a  
12 schedule at that proceeding -- obviously, if it works for the  
13 Court.

14 THE COURT: So, on that day I am at judicial  
15 conference for the Second Circuit. I could do the 9th for sure  
16 if you could do that, or I could do the following week just  
17 about any day.

18 MR. HERSHMAN: I think it will have to be the 9th  
19 because I will be at my daughter's graduation after. The 9th  
20 is fine.

21 THE COURT: How about noon on the 9th?

22 MR. HERSHMAN: Okay.

23 THE COURT: So, let me tell you where I come out.

24 Based on the record, the transcript and the record  
25 established here today as well as the record and transcript of

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1 the May 18, 2015 conference and the written submissions by both  
2 the defense and the government, I conclude that Mr. Buryakov  
3 has knowingly and voluntarily waived his right to have new  
4 counsel who have no potential conflicts of interest with him  
5 and he has waived that right for all purposes including any  
6 appeal should there be any in this matter, and that also he  
7 may, accordingly, continue with White & case as his counsel and  
8 Mr. Scott Hershman as his attorney, in particular.

9 That concludes our work for today. I would like for  
10 you to get me that acknowledgment as soon as you can. I know  
11 you will.

12 Is there an application with respect to time between  
13 today and June 9?

14 MR. FEE: There is, your Honor. We ask that the Court  
15 exclude time under the Speedy Trial Act in the interest of  
16 justice so that the defense can have additional time to review  
17 discovery and to consider which motions it intends to file.

18 THE COURT: Okay.

19 I am going to find under 18, United States Code,  
20 Section 3161 that the request for adjournment, joined in by  
21 both sides, to and including June 9, 2015, is appropriate and  
22 warrants exclusion of the adjourned time from speedy trial  
23 calculations.

24 I further find that the exclusion is designed to  
25 prevent any possible miscarriage of justice, to facilitate

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1 these proceedings, and to guarantee effective representation of  
2 and preparation by counsel for both parties. Thus, the need  
3 for exclusion and the ends of justice outweigh the interests of  
4 the public and the defendant in a speedy trial pursuant so  
5 18 U.S.C. Section 3161(h)(7)A and B.

6 And, finally, thanks to Mr. Maher for stepping in and  
7 lending us a hand during the course of these proceedings on May  
8 18 and today, June 1st.

9 Thanks very much. We are adjourned.

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